

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**DOUGLAS I. HORNSBY, Administrator
of the Estate of CYNTHIA GARY,**

Plaintiff,

v.

Case No. 2:22cv427

UNITED STATES of AMERICA, et al.

Defendants.

**JOINT MOTION FOR ENTRY OF CONSENT ORDER GRANTING DEFENDANT
CECO ENVORINMENTAL CORPORATION'S MOTION FOR JUDGEMENT ON THE
PLEADINGS WITHOUT PREJUDICE**

The parties, by counsel, moves for entry of a Consent Order dismissing Defendant CECO Environmental Corporation ("CECO") from this case without prejudice.

Defendant CECO filed a Motion for Judgment on the Pleadings under Fed. R. Civ. P. 12(c). *ECF No. 103*. After discussion between counsel, the Plaintiff agreed that it would not oppose CECO's motion if CECO agreed that it would be dismissed without prejudice so that the Plaintiff could request leave to file an Amended Complaint at a later time should additional facts be learned in discovery to support a claim for negligence against CECO.

Accordingly, the parties request entry of the attached Consent Order granting CECO's motion and dismissing CECO without prejudice.

Respectfully submitted,

**DOUGLAS I. HORNSBY, Administrator of
the Estate of CYNTHIA GARY**

/s/ Andrew M. Hendrick

Robert J. Haddad, Esq.

VSb No. 22298

Andrew M. Hendrick, Esq.

VSb No. 42852

Attorneys for Plaintiff

RULOFF, SWAIN, HADDAD, MORECOCK,

TALBERT & WOODWARD, P.C.

317 30th Street

Virginia Beach, VA 23451

Telephone: (757) 671-6036

Facsimile: (757) 671-6004

rhaddad@srgslaw.com

ahendrick@srgslaw.com

**CECO ENVIRONMENTAL
CORPORATION**

/s/W. Benjamin Woody

William Benjamin Woody, Esq.

VSb No. 91306

Harman Claytor Corrigan & Wellman

1900 Duke Street, Suite 210

Alexandria, VA 22314

703-544-2320

Fax: 804-747-6085

bwoody@hccw.com

Dannel Charles Duddy, Esq.

VSb No. 72906

Stanley Paul Wellman, Esq.

VSb No. 27618

Harman Claytor Corrigan & Wellman

PO Box 70280

Richmond, VA 23255

804-622-1107

Fax: 804-747-6085

dduddy@hccw.com

swellman@hccw.com

*Attorneys for Defendant CECO Environmental
Corp.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of November, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Garry D. Hartlieb, Esq.
Assistant U.S. Attorney
Office of the United States Attorney
101 West Main Street, Suite 8000
Norfolk, VA 23510-1671
garry.hartlieb@usdoj.gov
Attorney for Defendant United States

Malinda R. Lawrence, Esq.
Darren E. Myers, Esq.
United States Department of Justice
Civil Division, Torts Branch
Aviation, Space & Admiralty Litigation
175 N Street, NE, 8th Floor
Washington, DC 20002
Malinda.R.Lawrence@usdoj.gov
Darren.E.Myers@usdoj.gov
Attorneys for Defendant United States

John Arch Irvin, Esq.
Lynn Kanaga Brugh, IV, Esq.
Williams Mullen
200 South 10th Street
Suite 1600
Richmond, VA 23219
804-420-6140
jirvin@williamsmullen.com
lbrugh@williamsmullen.com
Attorneys for Defendant Metro Machine Corp. doing business as General Dynamics NASSCO-Norfolk

Jason R Harris, Esq.
Cranfill Sumner, LLP
PO Box 1950
Wilmington, NC 28402
910-524-9510
Fax: 910-777-6111
jharris@cshlaw.com
Attorney for Defendant Coastal Mechanical Systems, LLC

Edward James Powers, Esq.
Dustin Mitchell Paul, Esq.
Allison M. Mentch, Esq.
Woods Rogers Vandeventer Black PLC
101 W. Main Street, Suite 500
Norfolk, VA 23510
757-446-8600
Ed.Powers@wrvblaw.com
Dustin.Paul@wrvblaw.com
alli.mentch@wrvblaw.com
Attorneys for Defendant Advanced Integrated Technologies, LLC

James L. Chapman , IV, Esq.
Alexander Ryan McDaniel, Esq.
Crenshaw, Ware & Martin, P.L.C.
150 West Main Street
Suite 1923
Norfolk, VA 25310
757-623-3000
jchapman@cwm-law.com
amcdaniel@cwm-law.com
*Attorneys for Defendant KD Shipyard
Repairs, LLC*

Robert J. Haddad, Esq.
Andrew M. Hendrick, Esq.
Ruloff, Swain, Haddad, Morecock, Talbert *
Woodward, P.C.
917 30th Street
Virginia Beach, VA 23451
rhaddad@srgslaw.com
ahendrck@srgslaw.com
Attorneys for Plaintiff

/s/W. Benjamin Woody
William Benjamin Woody, Esq.
VSB No. 91306
Harman Claytor Corrigan & Wellman
1900 Duke Street, Suite 210
Alexandria, VA 22314
703-544-2320
Fax: 804-747-6085
bwoody@hccw.com